

To: Khan, Annie (DPH)[Annie.Khan@MassMail.State.MA.US]
From: gtb@beery-law.com
Sent: Thur 5/12/2011 12:27:57 PM
Subject: Re: Com v [REDACTED]

Hi Annie:

Thanks for your help. I really appreciate it.

My understanding is that the original form is a single sheet of paper and that page 2 of the PDF is the backside of page 1. Is that right?

To the left of "Cobalt Thiocyanate", you wrote "3"; to the right, inside the brackets, you wrote "+". I assume that the "3" means that you tested all three bags and that the "+" means that each bag tested positive (to the degree provided for by this spot test) for cocaine. Is that right? And is there a reason for the brackets?

To the right of "TLTA" you wrote "+ +". Is there a reason for the second plus sign? And again, is there a reason for the brackets?

Finally, can you tell me what decision rule your lab uses for identifying cocaine via GCMS? It's been a while since I took analytical chemistry in college and so I don't remember the term that I'm looking for.... How similar must the standard and the sample be for the result to be positive?

Thanks very much.

-Theo

P.S. If a phone call would be easier, you should call my cell: [REDACTED]

-----Original Message-----

From: Annie Khan
To: 'gtb@beery-law.com'
Subject: RE: Com v [REDACTED]
Sent: May 12, 2011 6:47 AM

Hi Theo,

Hope all is well.

The first section circled: Mettler AB104 and Ohaus N1D110 are the balances used to weigh this case. This notation indicates to me that my balances were checked and calibrated prior to analyzing this case and that it was in good working condition.

The second section circled: ELO 05-16-08 NW indicates that my calculations (Math check) were for the weight of each sample and the net weight was reviewed by another chemist. It is/was the Lab policy, that cases of greater complexity and magnitude be reviewed by another chemist for accuracy in the Net Weight.

Hope this helps. Let me know if you need anything else pertaining to this case.

PS: Definitely working too late.

Thanks.

Annie
Drug Analysis Lab
617-983-6631 (work)
617-983-6625 (fax)

-----Original Message-----

From: gtb@beery-law.com [mailto:gtb@beery-law.com]
Sent: Thursday, May 12, 2011 12:08 AM
To: Khan, Annie (DPH)
Subject: Com v Pineda

Dear Ms. Khan:

Early last year, you and I exchanged a few emails and spoke briefly about the above-referenced case. As you might remember, I represent the defendant, post-conviction. Attached to this email is a PDF of the drug powder analysis form that the DA's office provided to trial counsel. I'm hoping you can provide some insight re: the circled notations.

Thanks very much. And please note my new email address and mailing address.

-Theo

Gary Theobald Beery
Beery Law, LLC
P.O. Box 1383
Brookline, MA 02446
(617) 566-1323

<=Sent From My BlackBerry Wireless=>

Gary Theobald Beery
Beery Law, LLC
P.O. Box 1383
Brookline, MA 02446
(617) 566-1323

<=Sent From My BlackBerry Wireless=>